

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

PHYLLIS EILEEN RISCH FARREN,

Plaintiff,

v.

Case No.: 2:20-cv-00680-JLB-MRM

DARDEN CHEDDAR'S SCRATCH
KITCHEN,

Defendant.

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ORDER

On September 8, 2020, this Court ordered the pro se Plaintiff, Phyllis Eileen Risch Farren, to show cause why venue is proper for this action in the Middle District of Florida. (Doc 3.) After receiving no response and independently reviewing the file, the Court now determines that venue is improper. Ms. Farren brought this sex discrimination claim against her former employer, Defendant Darden Cheddar's Scratch Kitchen, under Title VII of the Civil Rights Act of 1964. 42 U.S.C §§ 2000e–2000e-17. According to Ms. Farren's pro se complaint, Darden Cheddar's Scratch Kitchen is in Pensacola, Florida, which is located in the Northern District of Florida. Title VII generally requires discrimination actions to

be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice.

42 U.S.C. § 2000e-5(f)(3).

After carefully reviewing the file, it appears the Middle District of Florida does not satisfy any of the criteria in Title VII's venue provision. Venue is, therefore, improper in the Middle District of Florida. "The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a). Under the circumstances (and considering Ms. Farren's pro se status), the Court finds that the interests of justice weigh in favor of transferring this case to the Northern District of Florida, where it appears this case could have been brought in the first instance.

Accordingly, the Clerk is **DIRECTED** to transfer this matter to the Northern District of Florida and close this Middle-District-of-Florida case.

ORDERED in Fort Myers, Florida, on September 25, 2020.

A handwritten signature in black ink, reading "John L. Badalamenti". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE